REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1 – 8 and 10 - 20 have been rejected. Claims 1- 8 and 10 - 20 remain pending in the application.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1, 2, 4 – 8 and 10 - 20 under 35 U.S.C. § 103(a), as being unpatentable over Fernandez et al. (U.S. 6,697,103, herein after "Fernandez") in view of Johnson (US 6,275,855). Applicants respectfully traverse this rejection.

> "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)" [MPEE §2142]

As explained below, Applicants respectfully submit that the Examiner has not established a prima facie case of obviousness.

Regarding Claim 1, the Office Action concedes that Fernandez does not disclose [a control unit able to instruct an application bank to install at least one application into at least

one processing unit] "based on an alert received from one or more of said processing units" [Office Action, page 4, lines 16-17].

The office Action relies on Johnson for teaching "monitoring system central processing unit validates such "alert information", apprises the operator of status modification with respect to all objects monitors, provides for historical, or precipitating event "analysis", and facilitates the input of remedial entries by connecting to the monitored system" [Office Action, page 4, line 18 to page 5, line 2] to teach or suggest in combination with Fernandez all the limitation of claim 1.

Johnson does not disclose, teach or suggest, alone or in combination with Fernandez "instructing an application bank to install an application into a processing unit based on an alert from the processing unit or from another processing unit". Instead, Johnson discloses a system for facilitating computerized alert system information awareness, information presentation consistency and real-time remedial intervention services. The CPU of a monitored system sends an alert to the CPU of a monitoring system. The monitoring system validates the information, apprises the operator of status modification and facilitates input of remedial entries. Objects of the Johnson invention are to provide standardized presentation of information relating to the monitored object, to provide sufficient information to identify the cause of the monitored object event and to allow a system operator to directly input system entries into the CPU of the monitored system [Johnson, col. 2]

The Office Action further concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fernandez invention according to the teaching of Johnson because it provides video compression software, to allow for determination of alert event precipitation factors, which can easily be implemented to the software storage modules of an integrated surveillance system. [Office Action, page 5, lines 3 – 7).

Applicant respectfully submit that the modification of the Fernandez invention by incorporating a video compression software to allow for determination of alert events cannot be easily implemented to enable and would not produced the system claimed in claim 1 and in particular a control unit able to instruct an application bank to install at least one

application into at least one processing unit based on an alert received from one or more of said processing units.

Applicants respectfully submit that the Office Action did not make out a prima facie case of obviousness, because it provides no evidence of a suggestion or motivation in Fernandez to look to Johnson modify Fernandez to form what is claimed, in particular a control unit able to instruct an application bank to install at least one application into at least one processing unit based on an alert received from one or more of said processing units.

Because neither the suggestion to make the claimed combination, nor the reasonable expectation of success thereof, was stated in the Action to be found in Fernandez, the Action did not establish a prima facie case of obviousness. Accordingly, the Action relies on impermissible hindsight to make the combination of references. Applicants respectfully submit that the Office Action has not provided evidence from Fernandez or Johnson for a suggestion or motivation to combine the references.

Therefore, Applicants respectfully submit that it is improper to combine Fernandez and Johnson together to reject Applicant's claims.

For the foregoing reasons, Applicant respectfully submits that independent claims 8, 10 and 18 are not made obvious by the combination of Fernandez and Johnson.

Accordingly, Applicant respectfully submits that the independent claims 1, 8, 10 and 18 are allowable and requests that the 35 U.S.C. § 103(a) rejection of claims 1, 8, 10 and 18 be withdrawn.

Rejected dependent claims 2, 4 – 7, 11 – 16 and 19 – 20 are dependent, directly or indirectly, from one of claims 1 and 10, and include all the limitations of the parent claim. Therefore, the patentability of claims 2, 4– 7 and 11 - 17 follows directly from the patentability of one of claims 1 and 10. Accordingly, Applicants request that the 35 U.S.C. § 103(a) rejection of claims 1 - 2, 4– 8 and 10 - 20 be withdrawn.

Claim 3

In the Office Action, the Examiner rejected claim 3 under 35 U.S.C. § 103(a), as being unpatentable over Fernandez et al (US Patent No. 6,697,103) in view of Monroe (Us Patent No. 6,246,320).

An obviousness rejection requires a teaching or a suggestion by the relied upon art of all the elements of a claim (MPMP 2142).

Neither Fernandez nor Monroe, alone or in combination, teach or suggest, "a control unit coupled to said processing units and to said application bank, said control unit able to instruct said application bank to install at least one of said content-analysis applications into at least one of said processing units based on an alert received from one or more of said processing units', as claimed in claim 1. Claim 3 is dependent from claim 1 and includes all the limitations of claim 1. Therefore, the patentability of claim 3 follows directly from the patentability of claim 1. Therefore, applicant respectfully requests that the rejection of claim 3 be withdrawn.

CONCLUSIONS

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested. Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

Guy Yonay
Attorney/Agent for Applicant(s)
Registration No. 52,388

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Pearl Cohen Zedek Latzer, LLP
10 Rockefeller Plaza, Suite 1001
New York, New York 10020
Tel: (212) 632-3480
Fax: (212) 632-3489